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The Gavel

The Student Newspaper of The Cleveland State University College of Law • Cleveland, Ohio

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ACTION AGAINST STRONGSVILLE BOARD OF ED.

by L. Anderson

In the spring of 1972 the English department of Strongsville High School submitted its recommendation to the Strongsville Board of Education for a secondary text to be used in the high school's modern literature course. *Catch-22* by Joseph Heller was the recommended choice the English dept. presented to the Board of Education for approval. When the Board met in May the members voted approval of every text submitted, with the single exception of *Catch-22*.

The English dept. then recommended that *God Bless You, Mr. Rosewater* by Kurt Vonnegut, Jr. be adopted for use as a secondary text. The school board's reaction to this suggestion was to forbid the adoption of *God Bless You, Mr. Rosewater* as a textbook, library book, or any other supplementary reader. Moreover, at the same meeting the Board recommended the immediate withdrawal of the book *Cat's Cradle* by Kurt Vonnegut, Jr., which previously had been used as a textbook at the high school, although never legally approved by the Board.

Finally, in August, the Strongsville Board of Education surpassed itself by voting to ban *Catch-22* from the libraries of Strongsville schools.

This exercise of apparently unconstitutional restraint on the freedoms of speech and press prompted the ACLU to sponsor a class action on behalf of the students of the Strongsville schools against the school district. The action, brought in the U.S. District Court for the Northern District of Ohio-Eastern Division, seeks to enjoin the school district and members of the Board of Education from forbidding the use of certain textbooks and supplementary materials within the schools they maintain, since it is a prior restraint on activities protected by the Constitution.

Although the ACLU filed the complaint, Asst. Prof. Stephen Werber has since become the pro bono primary counsel for plaintiffs, with the permission of the Dean. Associate Professor Lizbeth Moody and Adjunct Professor Howard Besser are acting of counsel on the case. And another member of the CSU Law College community is playing a major role in the case; Susan Lee Minarcini is the first named plaintiff in the style of the case. Ms. Jo Ann Minarcini, Susan's mother is a first year student at the law school. She is acting as next friend of the court in behalf of her daughter who is a

student in the Strongsville school district.

The action taken by the Strongsville School Board in banning such important and critically respected works of contemporary American literature is, at best, absurd, and at most, horrifying. Perhaps a clue to the reasoning behind the Board's decisions lies in the fact that one of its most influential members, Arthur Cain, is a chairman of the American Independent Party and a member of the John Birch Society. Small wonder that the Board found the views expressed by Joseph Heller and Kurt Vonnegut, Jr. were distasteful and unfit for young people. Yet how much can standards of educational excellence, not to mention the First Amendment, mean to the school board of Strongsville when their criterion for approving the syllabus of an English course becomes each author's social and political philosophy rather than his literary merit?

P.S. The Board's recommendations for secondary English textbooks were the autobiography of Captain Eddie Rickenbacker and *Travels With Charley* by John Steinbeck.

MOOT COURT EXPLAINED

by A. Hildebrandt

In the spring and again in the summer, the Moot Court Board will extend to all first-year day students and first and second year night students an open invitation to join the Moot Court Program. The only requirements are to have completed Legal Bibliography and Brief Writing-Oral Advocacy Courses.

Explaining the Program and all the changes which have occurred this year can be accomplished by answering the two following questions:

(1) What is the Moot Court Program?

Moot Court develops and integrates a student's ability to research, write, and argue a problem much like what will be necessary in the day-to-day practice of law. The Program covers three areas.

A. **Intrascholastic competition.** Members of the Moot Court Team compete in a series of arguments to determine the members of the following year's interscholastic teams.

B. **Interscholastic competition.** National and regional competition in which the team members have a chance not only to gain personal experience and honors but to represent the C.S.U. Law School in competition with the other law schools in the nation.

C. **Curricular involvement.** Team members assist the professors in the Brief Writing-Oral Advocacy Courses in developing the first-year students' ability to research and to develop the necessary skills of an advocate.

Very basically, this is what the Moot Court Program is all about. With this in mind, we move to question number two.

(2) What will be required if you join?

The program for any one student spans two years for which three credit hours are given. In the first year after joining the team, the member will compete in a Fall Oral Advocacy Competition using the Brief prepared by the student during Brief Writing-Oral Advocacy. The Member then will participate in helping the Brief Writing-Oral Advocacy courses and enter the Spring Competition to determine who will be on the interscholastic teams.

During the second year of the program, the member's skills will be channeled into any or all of the following three activities:

- A. Interscholastic teams;
- B. Assisting BW-OA;
- C. Setting up the Fall and Spring Competitions.

The Moot Court Program is in the process of changing to better serve the students and the Law School. Everyone who is willing to share the burden is welcome.

More information will be published in the near future and any questions concerning the Program will be answered in the Moot Court Room on the 9th Floor of University Tower.

AUERBACH ESTABLISHES EVIDENCE AWARD

The grand old man of the Cleveland-Marshall College of Law faculty, Professor Charles Auerbach, has recently donated \$500 to establish an annual award for outstanding achievement in the study of the law of evidence. The award will be given annually to the student who best demonstrates, through his final exam in evidence, a thorough-going grasp of the area indicative of the ability to apply and use the legal concepts in the courtroom.

Professor Auerbach said that he hopes to increase the fund within the near future so that two awards can be made each year, i.e., one to a day student and one to an evening student.

"... And who knows,
perhaps the only goal on earth to
which mankind is striving
lies in this incessant process
of attaining, in life itself,
and not the thing to be attained. . ."
-Dostoevsky

SOMETHING TO SEE AT CSU

Kurt Vonnegut Jr.'s acclaimed play, "Happy Birthday Wanda June," will receive its Cleveland stage premiere at The Cleveland State University Thursday, February 8.

Directed by J.J. Garry Jr., the CSU production will be presented February 15, 16, 17 and 18 in the Theatre Arts Building, East 24th Street and Chester Avenue. Curtain time is 8:30 p.m. Sundays, 7:30 p.m. other days.

Tickets cost \$1.50 for students and \$2.50 for all others. For reservations and further information, call the box office at 687-2109 daily between 1 and 5 p.m.

FINANCIAL AID NOTICE

All applications for renewal of Financial Aid grants, loans or Work-Study and all applications of presently enrolled students for any such form of financial aid, must be submitted on or before April 1, 1973, to receive priority consideration by the Financial Aid Committee.

Applications received after April 1, 1973, but on or before May 1, 1973, will be considered after all previously received applications have been fully processed.

Applications received after May 1, 1973 will be considered if, and only if, there are financial aid funds available for distribution—and such applications will not be processed before fall quarter.

EXPLANATORY NOTES FROM DEAN WERBER

1. The intent of the Committee is to act on applications received from ETS by April 1, 1973. Students are advised to submit the green sheets as soon as possible to at least indicate that the forms were sent.

2. Applications are for the summer quarter of 1973 and the 1973-74 academic year.

3. It is intended that these policies will remain effective for all future academic years, unless notice of change is given.

4. Please note that effective March 1, 1973 all state guaranteed student loans and ABA loans are subject to need analysis to be eligible for the Federal interest subsidy. Therefore students applying for state or ABA loans must file a GAPFAS with the school.

CURRICULUM REFLECTION AND DESCRIPTION

by Richard Musat

The scream for relevant course work that has echoed across college campuses in the last decade has provided the major impetus towards creative input in course offerings. It has also stirred embittered debates at many a curriculum meeting. Various courses and new degree programs have sprung from the inertia propelled by student rhetoric and lobbying.

There is still a question as to what comprises a liberal education, and departmental politics (e.g., Humanities v. Mathematics) has often vetoed degrees such as the Bachelor of Liberal Studies, which would allow the student freedom of movement through the computer list of course titles. Granted, one must still satisfy the Basic Education Requirements (BER) established by the state, but this is a minimal requirement when compared to previous college requirements.

An analogy can be drawn between the BER and the Bar requirements of a given state. The BER are required for a state-funded university to grant a degree. Bar courses are at least tacitly required to perform adequately on the Bar examination. But even all of the Bar-tested subjects don't satisfy the requirements for a J.D. degree.

More varied courses should be opted for in the college of law. The interdisciplinary courses now available are a start, but there is certainly room for growth and improvement.

For the present however, the labyrinth of deciding what courses are available to first-year students is open for contemplation. The administrative components of the College of Law have cast their ineptitudes upon us by failing to provide a catalogue. It is hoped that the following compilation of some courses being offered this spring may prove helpful in your decision-making process.

ADMINISTRATIVE LAW: A very current course dealing with poverty and welfare law, state and federal relationships, political science, federal procedure, jurisdiction, and constitutional law. A large mix of substantive areas; Constitutional law is strongly recommended. First year students may be at a disadvantage due to lack of sophistication and legal technique. (Prof. Cohen)

ARBITRATION PRACTICE: No problems are anticipated for first year students. There will be a brief over-view of labor law at the outset to familiarize the students with the area and confines of the course. (Prof. Dyke)

CRIMINAL PROCEDURE: The course will cover various aspects of criminal justice with emphasis on pre-trial process: arrest, preliminary examination, bail, indictment, arraignment, and the rights of the accused. One must prepare himself for a large amount of work in this course. (Prof. Kelder)

FAMILY LAW: "My bias is that students should take care of Bar courses first, even though they are not required by the law school. The law of domestic relations is certainly the happiest kind of law, an examination of Universal Joy in an adoption proceeding—the inter-relation between child, parent, and social worker." (Prof. Sheard)

LEGAL WRITING: Not suggested for first year students, some experience in writing legal memoranda must be developed first, as well as the facility for legal research-ing. An excellent course for Law Review article preparation. (Prof. Oleck)

TORTS TREND INSTITUTE: A four hour, two quarter course. In two quarters of torts one absorbs an amorphous mass of general knowledge in the area. The Institute solidifies one's knowledge in torts, transforming it into an effective instrument to deal with newly developing areas of tort law.

In the first quarter each student will be assigned a topic and will outline, critique, and develop the theories and social policies behind it. The second quarter the student will present a formal brief on the topic. Seminar-style; 18 to 22 students. (Prof. Oleck)

JURISPRUDENCE OF BLACK AMERICA: The course will be co-instructed by Profs. Aldrich and Douglas. An analysis of court decisions and legal documents pertinent to Black Americans in view of the traditional schools of legal philosophy.

TRUSTS: The rights, responsibilities and duties of parties in a trust relationship from trust-planning, creation and dissolution. Trusts have been a popular course for first year students. (Prof. Moody)

LAW AND BEHAVIORAL SCIENCES: A study of the impact of society on law and of law on society; an analysis of the legal system as a social system. Since this course is one designed to enrich the basic legal education, it recommended as being of greatest benefit to the second or third year student. However, any broken-hearted first year student may attempt to negotiate with Prof. Landever who teaches the course.

MOOT COURT SPRING INTRASCHOLASTIC COMPETITION

by A. Hildebrandt

To further the expansion of the Moot Court Program at C.S.U. as quickly as possible, the 1973 Spring Intrascholastic Competition will be open to any second-year day or night student or third-year night student at the law school. Any student who enters will be required to research, brief, and argue the problem which will be released sometime during this (winter) quarter. The purpose of the Competition is to determine the teams for the various interscholastic competitions for the academic year 1973-74. Any student who competes in the Competition will be invited to join the Moot Court Team. Academic credit will be given for participation on the Moot Court Team for the school year 1973-74. The only requirement to enter is that the student must have completed Legal Bibliography and Brief Writing-Oral Advocacy courses.

The Moot Court Program is geared to develop and integrate analytic, research, brief-writing and oral-advocacy skills necessary in the day-to-day practice of law. The interscholastic competition supplies an excellent forum to test these skills against other law schools.

The Moot Court Team is looking forward to a spirited competition. More information will be published in the near future and any questions concerning the Competition will be answered in the Moot Court Room on the 9th Floor of University Tower.

PRESIDENTIAL MEMORANDUM



by
**Stephen
Walker
President
S.B.A.**

Well, this is your local cynic re-hashing some bad news. People ask me why I go to school here if I think it is so bad (or why I stay in America, for that matter). I picked this school because I had a job in Cleveland and this was the only school with a night program, which at that time was rigorous but not overbearing. Knowing what I know now, the choice would be harder. Since I've been here, the school has increased the number of electives greatly (plus one for the Dean, but he is about to be buried in a sea of minuses). Unfortunately, this increase is not enough by itself to make a trade school over into a law school; it is form only, and not substance.

The faculty has also been increased, whether this is a plus or minus is still unknown.

However, there has been time enough for the shining white knight to show some overt intention to bring about the promises made from what seems to be so long ago. Since no one has quit recently, I must assume there are still a "bus full of bozos", and I fail to see where the Dean has stopped to let some of them out, or to take a brief walk himself. He has told the faculty one thing and the students another and in this respect he has placed himself with the great Roman guardian Janus. His failure to ACT, and I'll judge him by his acts and not by his promises, lends itself to the belief that he no longer thinks it necessary to dispose of the bozos. Perhaps now that he knows them better he finds himself in the throes of an identity crisis. For myself, I still find it unprofessional conduct for a teacher to intimidate students by innuendo or by name, or to retain one who asks students what grade they want and he'll see what can be done. I realize that these statements may constitute hearsay, but I feel I have an obligation as a law student and as President of the S.B.A. to come forward with this information.

I find it discouraging that the Dean, the Chairman of only one committee, finds it unnecessary to call that committee even once during the entire year. The function of this committee is to update and change the by-laws of the faculty and determine the rules by which the faculty is to be governed. Perhaps this is not a sufficiently important area.

As head of the school he has failed to lead. I have asked for the abolition of the tenure system in professional schools. Perhaps this is too harsh. However, during the time he has been here, even he could not have overlooked the glaring shortcomings of the tenure system.

There has been no action taken or attempted to discipline unprofessional conduct or to establish who will have the responsibility of enforcing such guidelines as set down by the Professional Standards Committee. If enforcement is left to the Dean, I fear it will go the way of so many other student rights. I regret that I have grown so skeptical but evasive answers and unsatisfactory results have caused such. Until such time as strong leadership is provided, I shall remain pessimistic about the future of this law school.

**EDITOR'S NOTE:
STEPHEN WALKER
WISHES
EVERYONE A
HAPPY
VALENTINE'S
DAY!**



**The
Gavel**



Cleveland State University

College of Law

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University Tower

Lila Anderson, Editor-in-Chief
James Joseph, Executive Editor

Cleveland, Ohio 44115
687-2340

STAFF

Burr Anderson, R. Musat
Phyllis Marcus, Carl Noll, Barbara Stern
K. Brocco, Special Assistant to the Editors
T. Buckley, Faculty Advisor

The views expressed herein are those of the newspaper or its by-lined reporters. Unless specifically stated, they do not reflect the views of anyone else.

ENGINEERING COURSE FOR LAW CREDIT

At its meeting of January 30, the Interdisciplinary Committee endorsed the following resolution to be offered at our next faculty meeting:

Resolved: That students may exercise any part of their 8-credit option in any of the following courses specifically designed for law students, without seeking endorsement from IDC: Engineering for Lawyers I (4 credits); Engineering for Lawyers II (4 credits).

Rationale: Where Cleveland State graduate courses are specifically designed to add to our students legal training, and passed upon by our law faculty as a body, it serves no useful purpose to require such students to get IDC approval as well. (IDC expects that the faculty will be asked to add other courses to the list).

Engineering for Lawyers I and II: A preliminary outline of materials to be covered is attached below. Please note that it is expected that Engineering I will be the responsibility of Prof. Louis Tuzi, professor of Industrial Engineering at Cleveland State, alumnus of Cleveland-Marshall, and member of the Ohio Bar. Engineering II will be team-taught, and will consider select areas of interest to students. Tuzi indicated to the committee that he would draw upon his experience as an attorney to focus upon problems of importance to our students.

ENGINEERING FOR LAWYERS

- I. The Language of Engineering
 - A. Concepts: Mathematical Notations, Numbers
 - B. Engineering Disciplines
 1. Chemical Engineering
 2. Electrical Engineering
 3. Industrial Engineering
 4. Metallurgical Engineering
- II. Philosophy of Engineering
 - A. Design Analysis
 1. Interpretation of Physical Phenomena
 - a. Basic Science Principles
 1. Light
 2. Heat
 3. Sound
 4. Energy
 2. Materials of Construction
 - a. Types of Material
 - b. Properties of Materials
 - c. Applications
 - B. Design and Failure Analysis, utilizing
 1. Loads
 2. Stress-Strain
 3. Tensile Strength
 4. Yield Strength
 5. Ultimate Strength
 6. Factors of Safety
 - C. Expression of Results
 1. Presentations
 - a. Numerical
 - b. Graphical
 - c. Charts
 - d. Equations
 - e. Models
 2. Perpetuations
 - a. Oral Records
 - b. Visual Records
 - c. Computer Records
 - D. Economics
 1. Consumer Criteria
 2. Business Criteria
 3. Design Criteria
 4. Economic Efficiency
 - III. Computers and Information Retrieval
 - A. Languages
 - B. Hardware
 - C. Software
 - D. Scope
 - E. Applications

- IV. Health, Safety, Environment
 - A. Health Philosophy
 - B. Human Factors Engineering
 1. Man-Machine Systems
 2. Design of Controls
 3. Design Applications
 - C. Environmental Engineering
 1. Measurement
 2. Analysis
 3. Design
 4. Rectification

NEW PART-TIME FACULTY MEMBERS THIS SPRING

Two new part-time faculty members have been added to the roster for the spring quarter.

Kenneth Lapine will teach Real Estate Practice. He is a graduate of Dartmouth College and University of Michigan Law School. Mr. Lapine currently serves as Vice-President, Secretary and Chief Counsel of Shaker Savings Association.

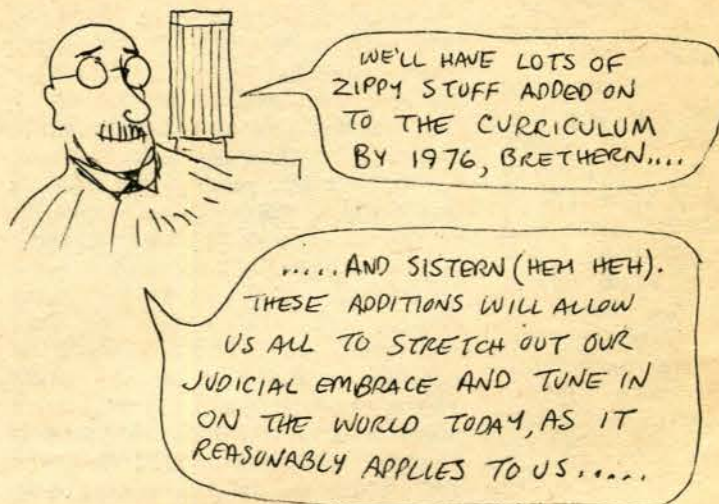
Harvey Yasinow is scheduled to teach the evening section of Trusts Third and fourth year students should remember Harvey who graduated from this law school summa cum laude in 1971. He was Chairman of the Moot Court Board in 1971, and a National Team member the previous year. He now maintains a private law practice in Cleveland.



MOOT COURT NOTICE

IMPORTANT MEETING FOR ALL FEB. 19, 1973 at 5:00 P.M.

Watch bulletin boards for room number.



① SCHEDULED SOON :

PET LAW (Prof. Rabbit) - The contract problems between pet-masters, pet-mistresses and pets. Extensive look at strict pet liability and pet negligence. Uses of Tropical fish discovery procedures and the statutes of frogs.

OCCULT LAW (Prof.) - Procedural horizons concerning depositions of spirits and ghosts. Jurisdiction questions, advantages of clairvoyant pleading and hypnosis of juries.

② AND NOT FAR BEHIND :

GOD PROCEDURE (Prof. Moses) - A look at the second draft of the Ten Commandments. Restatement of Sin. Prayer as a pre-trial motion. Heaven as a proper jurisdiction.

THAT'S ALL FOR NOW, LAW FOLKS. REMEMBER, IF IT ISN'T VERY RELEVANT, DON'T BRING IT UP.



Professor Hyman Cohen will speak on

"A Lawyer Looks At Israel"

Sunday, Feb. 25, 1973, 11:00 A.M.

Hillel Club, 11291 Euclid Ave.

CATCHER IN EXAMS

by Holding Caulfield

All of a sudden I began to get the old exams on the brain again last night. I got them on my brain, and I swear, I couldn't get them off. Good old law school exams. They always make me puke a lot, they really do. I'm very nervous and all, most of the time anyways, and after all that studying, there's not much else to do besides puke your guts out or pretend you're Paul Newman in "The Young Philadelphians". I do that quite a lot when I'm depressed, pretend I'm a hotshot lawyer out of some phoney movie, I mean. It kind of makes me realize that a bunch of crummy exams isn't something to commit suicide over, for Christ sake! Anyhow all that puking and daydreaming gets so damn boring after about an hour that I just go back to the old law books for a little excitement and all.

If you really want to know about exams, the first thing you should do is study your ass off for them and forget about all that phoney stuff about writing terrific exams that the old post-graduates feed you. Jesus H. Christ, they think they're giving you the strategy Patton used to cross the Rhine or something. The smartest guys I knew in law school didn't know a thing about the how-to write-a-brilliant-exam crap, because they spent all their time getting to know the goddamn course inside out. And if you really do know it, even if you're a

lousy writer, you can still spit out the right issues without having to sling the bull for three pages first.

They always try to tell you that the best way to get to know the lousy courses you have exams in is to make-up your own outline for the damn thing. If you want to know the truth, outlining the whole course takes about ninety thousand years if you want to do it right, which doesn't usually leave a hell of a lot of time to go back over it, or study from other books, and garbage like that, before the exam comes. It's also boring as hell sometimes. But I guess it is about the best way to study, if you don't mind killing yourself and staying up all night for about two weeks. Anyways if I wasn't knocking myself out over that damn outline for a couple of weeks, I'd just be puking my guts out and daydreaming most of the time. I really would.

Anyhow, this exam hysteria always bores the hell out of me after a while, I can never figure out whether or not it's phoney. But either I get so damn scared or so damn busy studying and outlining, for God's sake, that I never get the chance to figure it out. You really have to be careful about how scared and nervous you get before exams, you really do. If you don't watch out, it'll ruin you. And it'll make you puke too; it really will.

HARRY THE LAW STUDENT AND HIS WIFE GO FOR A DRIVE.....



CLEVELAND BAR TO HONOR CORRIGAN

—News Release

Court of Appeals Judge John V. Corrigan will be the subject of a special tribute by the Cleveland Bar Association at a testimonial luncheon to be held in the ballroom of the Sheraton-Cleveland Hotel at noon on Tuesday, March 13, 1973.

Lawyers, fellow judges, and the business community will join to honor the jurist for his "total effort and dedication in the improvement of the system of justice."

Said Bruce Griswold, President of the association, "Judge Corrigan has been an important element—and often the most important element—in virtually every effort to improve the system of justice in Cleveland."

"Judge Corrigan was chairman of the Supreme Court's Advisory Committee which undertook the massive work of revising Ohio's Civil Rules of Practice. He is presently serving as Chairman of the Ohio Criminal Justice Supervisory Commission, and is a member of the Administration of Justice Committee. He was a major force in the campaign for a new Justice Center, and now heads a special committee on courtroom design. Of particularly great importance has been his service on the executive committee of the Cleveland Bar Association's Court Management Project whose goal it is to develop one of the most advanced court management systems in the country. His service as Presiding and Administrative Judge of the Common Pleas Court during that period have helped immeasurably to the success of the Project, said Griswold.

"Although he has been elected to the Court of Appeals, he is still aiding these projects. For all these reasons, we felt it fitting to hold a testimonial luncheon in his honor to give the profession and the community the opportunity to show its appreciation for the services he has rendered well above the requirements of the positions he has held."

Speaking at the luncheon will be H. Chapman Rose and John Ladd Dean, who, as past presidents of the Cleveland Bar Association and as chairmen of the Justice Center Citizens Committee and the Court Management Project Committee, respectively, have worked closely with Judge Corrigan.

Co-chairmen of the event are attorneys Aaron Jacobson, for the professional group, and Alan Wright, of the Cleveland Electric Illuminating

Company, for the community group. Master of Ceremonies will be attorney Charles F. Clarke, Jr.

Judge Corrigan served in the Ohio House of Representatives from 1950 to 1953, when he became a Judge of the Cleveland Municipal Court. After three years in that court, he became a Judge of the Court of Common Pleas of Cuyahoga County, serving as Chief Justice, and then, under the new Rules of Court, as Presiding Judge and Administrative Judge of the General Division. He has also served as Chairman of the Ohio Criminal Justice Supervisory Commission.

In addition, he has been a member of the Visiting Faculty of the Institute for Court Management in Aspen, Colorado, Director of the American Judicature Society and Vice-chairman of the National Conference of Metropolitan Court Judges. He is Past Chairman of the Ohio Judicial Conferences (composed of all courts of Ohio), Past President of the Ohio Common Pleas Judges Association, Faculty Advisor of the National College of State Trial Judges, and a member of the Cleveland, Cuyahoga, Ohio, and American Bar Associations.

Among his civic activities he has served on the Criminal Justice Coordinating Council Task Force, on the Executive Committee of the Cleveland Cultural Gardens Federation, on the Board of the Eleanor B. Rainey Institute, and as Vice-President of the Greater Cleveland Safety Council. He is also a member of the Early Settlers Association and the Citizens League.

In addition to considerable activity in church and religious groups, he has received a number of special honors from the Cleveland Bar Association, Case-Western Reserve University Law School, Delta Theta Phi Law Fraternity, the Fellows of the Ohio State Bar Association Foundation, the Knights of Columbus, Catholic Youth Organization, the St. Ignatius-Loyola Alumni Association, and the Cuyahoga County Democratic organization.

He is a graduate of John Carroll University and of Western Reserve University Law School. During World War II, following his enlistment in 1943, he spent 25 months overseas.

Judge Corrigan was born in Cleveland, Ohio in 1920. He married Eileen Hopkins in 1950, and they live with their seven children on St. Anthony Lane.

The Gavel

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